

REMARKS

Claims 1-12 are pending. The Final Action dated October 5, 2006 in this Application has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claim 1 has been amended in this Response. Claims 7, 11, and 12 were withdrawn from consideration in a previous Response. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Applicant thanks the Examiner for the courtesies extending during a telephone interview conducted on December 5, 2006. During the interview, the undersigned attorney for applicant explained the invention and the language of Claim 1 was discussed. No agreements were reached, but the Examiner invited an amendment consistent with the discussions..

Claims 1, 3-4, 5-6, and 8-10 stand rejected under 35 U.S.C. §103 (a) over various combinations of U.S. Patent No. 6,330,606 to Logue et al. ("Logue") in view of U.S. Patent No. 5,534,875 to Diefes et al. ("Diefes"), and Logue and Diefes in view of U.S. Publication No. 2002/0103654 (Poltorak). Insofar as these rejections may be applied against the Claims, these rejections are deemed overcome by the foregoing amendments.

In Applicant's prior Response, dated July 7, 2006, Applicants amended the preamble of Claim 1 to recite that the ACM was "configured to control a physical activity." However, in the October 5, 2006 Final Action, the Examiner refused to give patentable weight to this recitation because it was in the preamble, contending that the body of the claim did not depend on the preamble for completeness.

Although Applicant respectfully submits that the refusal to give patentable weight to this recitation is improper, to ensure that patentable weight is given, Applicant has amended Claim 1 to

add limitations to the body of the claim that clearly depend on the preamble for completeness. In particular, Applicant has amended the first element of Claim 1 to recite "a first central processing unit (CPU) configured for processing automation control signals to control a physical activity" (new language underlined) and the last element to recite "a first network interface operably connected to said second CPU and to a gateway configured for enabling said second CPU to communicate with said remote network server to transmit data relating to servicing recommendations." (New language underlined.)

The purpose of the present invention is to facilitate an ACM user (for example, an owner or operator of automated equipment) to determine servicing recommendations (i.e., maintenance, repair, upgrade, replacement, troubleshooting, etc.) for the user's ACMs. As the specification explains, an ACM "includes any device used to control the automation of an activity. Examples of ACMs include, but are not limited to, programmable logic controllers (CNCs), motion control products, home automation products, and commercial automation products." (Specification, at par. 16). That, is, the ACM controls some physical activity.

In the present invention, an ACM user (for example, an owner or operator of automated equipment) can determine whether service is required by having a data port in the ACM that can communicate, via a network (including but not limited to, the Internet) information specific to the ACM that relates to determining servicing recommendations. This data can include, for example the model number or type of the ACM and date of manufacture of the ACM. The data specific to the ACM can then be communicated, via a network, to a remote network server that stores data relating to servicing recommendations for said type of ACM. By comparing the data for the specific ACM with the data stored in the remote network server of the servicing recommendations

for that type of ACM, service recommendations can be generated for the specific ACM and transmitted to the user.

Logue, the primary reference applied to Claim 1, relates to a method and apparatus for electronically dispatching document requests in a proxy to more efficiently allocate the document cache space within the proxy. It neither discloses nor suggests that it has “a first central processing unit (CPU) configured for processing automation control signals to control a physical activity” (new language underlined) nor does it have “a first network interface operably connected to said second CPU and to a gateway configured for enabling said second CPU to communicate with said remote network server to transmit data relating to servicing recommendations.” (New language underlined).

The deficiencies of Logue are not remedied by Diefes and/or Poltorak. Diefes relates to an altitude determining system for use with a global positioning system. Again, however, Diefes also neither discloses nor suggests storing or transmitting data relating to determining servicing recommendations for an ACM that controls a physical activity to a remote server that stores data relating to servicing recommendations for that type of ACM. *See, e.g.*, Specification, pars. 19-20. The Diefes system merely determines altitude data for a global positioning system, not servicing requirements for an ACM.

Poltorak relates to a method and system for searching and submitting online via an aggregation portal. Poltorak relates to a system for electronically dispatching requests for electronically-stored documents in a proxy server. Poltorak neither discloses nor suggests storing or transmitting data relating to determining servicing recommendations for an ACM that controls a physical activity to a remote server that stores data relating to servicing recommendations for that type of ACM. *See, e.g.*, Specification, pars. 19-20. The Poltorak system merely allows automated

searching and submitting of intellectual property on the internet, not servicing requirements for an ACM adapted to control a physical activity.

The features of the present invention of Claim 1, as amended, allow customers to readily obtain the most relevant information on their ACM's. For example, if the "data specific to said ACM" indicates that it has a certain configuration that has since been updated, the customer can be automatically informed of the need to update the configuration file, without the customer having to make a request for this information. If the customer needs other information concerning the type of ACM, such as pricing, data sheets, application notes, etc for the type of ACM possessed by the customer, the customer can access the "data relating to the type of said ACM" stored in the remote network server. Furthermore, because the second memory that stores the data specific to the particular ACM is operatively linked to the remote network server, the information specific to the particular ACM need not be manually input by the customer to obtain such information from the remote network server. This increases customer convenience as well as reducing the possibility for manual errors.

In view of the foregoing, it is apparent that the cited references do not disclose, teach or suggest the unique combination now recited in amended Claim 1. Applicants therefore submit that amended Claim 1 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over these references and the remaining references of record. Accordingly, Applicants respectfully request that the rejection of amended Claim 1 under 35 U.S.C. §103 (a) over Logue in view of Diefes be withdrawn and that Claim 1 be allowed.

Claims 3-4, 5-6, and 8-10 depend on and further limit Claim 1. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance.

Applicants respectfully request that the rejections of dependent Claims 3-4, 5-6, and 8-10 also be withdrawn.

Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) over Logue in view of U.S. Patent No. 6,557,026 to Stephens et al. ("Stephens"). Insofar as they may be applied against the Claims, these rejections are deemed overcome.

Claims 2 and 5 depend on and further limit Claim 1. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance. Applicants respectfully request that the rejections of dependent Claims 2 and 5 also be withdrawn.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-6 and 8-10.

Applicant does not believe that any additional fees are due; however, in the event that any other fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner require any further clarification to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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